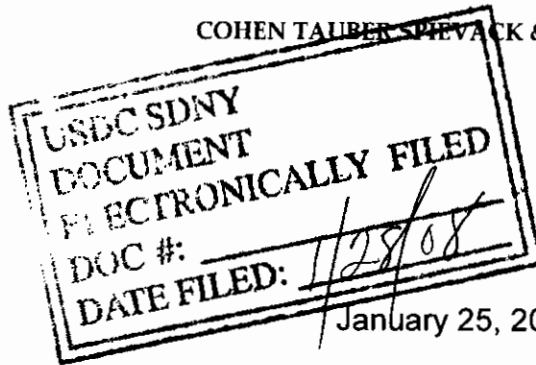


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RECEIVED

JAN 28 2008

LORETTA A. PRESKA
U. S. DISTRICT JUDGE
S. D. N. Y.

BY FEDERAL EXPRESS

Hon. Loretta A. Preska
United States District Judge SDNY
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 1320
New York, NY 10007

Re: Niraj Chaturvedi dba Global Gem Traders, Inc., Appellant, v.
Richard E O'Connell, Appellee

Bankruptcy Appeal Case No. 08-cv-00249-LAP

Dear Judge Preska:

This firm represents Appellant in the above-referenced bankruptcy appeal.

We write on behalf of Appellant, on consent of Appellee, to request an extension of the briefing schedule required by Rule 8009 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and recently fixed by the Court.

Bankruptcy Rule 8009 provides that a Court may "specify different time limits" for the filing of appellate briefs. Appellant and Appellee jointly request a sine die extension of the briefing schedule because (a) the transcript of the hearing below will not be completed until at least February 8, 2008, which is after the January 29, 2008 deadline fixed by this Court for filing and service of Appellant's initial brief (which date was set by ECF email from the Court, dated January 11, 2008, a copy of which accompanies this letter), and (b) Appellee's counsel has informed us that she expects to file a motion to dismiss the appeal (the "Dismissal Motion") in the near future.

Obviously, until the hearing transcript is filed, the record on appeal will not be complete (and therefore should not even have been docketed yet with this Court, see Bankruptcy Rule 8007(b)). In addition, the Court may decide that

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Hon. Loretta A. Preska
January 25, 2008
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briefing on any Dismissal Motion should occur prior to any briefing on the merits of the appeal.

Sincerely,
COHEN TAUBER SPIEVACK & WAGNER P.C.

By: 

Ira R. Abel

CC: Deborah L. Dobbin Esq. (By Fax)

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So excellent
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Part I*